

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSES OF : STATE BOARD OF EXAMINERS
CHESTER SCOTT RILEY : ORDER OF REVOCATON

DOCKET NO. 309-06/95-122

At its meeting of June 15, 1995, the State Board of Examiners reviewed information received from the Office of the Ocean County Prosecutor indicating that Chester Scott Riley was convicted in January, 1995 on charges of official misconduct stemming from his activities as a physical education instructor. Respondent was sentenced to three (3) years' probation, 364 days in the Ocean County Justice Facility and forfeiture of his teaching certificates. Respondent currently holds a Teacher of Health and Physical Education, a Teacher of Driver Education and a Supervisor license in New Jersey.

At that meeting the State Board of Examiners voted that the above information was sufficient to direct an Order to Show Cause to Respondent. The Order was mailed to Respondent by regular and certified mail on July 11, 1995. On July 31, 1995 an Answer to the Order to Show Cause was received from Steven Secare, Esq., on behalf of his client, Chester Scott Riley. On September 8, 1995, Respondent submitted a letter to Secretary to the State Board of Examiners, Ida Graham, specifying that he only agreed to surrender his Teacher of Health and Physical Education license.

In the interim, the State Board of Education decided two cases which impacted on the hearing process conducted by the State Board of Examiners. The first case is captioned, In the Matter of the Certificates of Sheridan. The other is captioned In the Matter of the Certificates of Vitola. Within these two decisions, the State Board of Education determined that the State Board of Examiners was required to amend its regulations in order to permit it to hear directly

legal matters in which material facts are not in dispute. During the pendency of the revisions to the State Board of Examiner's regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

On July 9, 1997, a hearing notice was mailed by regular and certified mail to Respondent's counsel pursuant to N.J.A.C. 6:11-3.6(a)1. Said notice explained that, it appearing that no material facts were in dispute, Respondent was provided an opportunity to offer legal argument on the issue of whether his conviction constituted conduct unbecoming a teacher. A regular mail copy was forwarded to Respondent. The certified mail return receipt was signed and returned. The regular mail copy was not returned. No response was received from, or on behalf of Respondent.

On September 2, 1997 Respondent was advised by regular mail that he was being provided an additional ten (10) days to file a response to the initial hearing notice. A certified copy of the notice was forwarded to Mr. Secare. The certified mail return receipt was signed and returned. The regular mail copy was not returned. No response was received from or on behalf of Chester Scott Riley.

Respondent's Answer to the Order to Show Cause submits that in a negotiated plea with the Ocean County Prosecutor's office, Respondent agreed to surrender his high school teaching certificates with prejudice with no change of renewal. The Answer avers there was no agreement as to any specific certificates. Noting that the teacher of driver education license can be used for private driver education courses, he submits that there was no agreement that he would not teacher driver education although he agreed not to teach in a public school again. Respondent asks that his driver education license not be revoked, especially because it was never the intent of the plea agreement to have the driver education license suspended or revoked. Respondent's

letter of September 8, 1995 states that he only agreed to surrender his Teacher of Health and Physical education license, not his Supervisor or Driver Education license.

By virtue of holding a teaching license, the respondent has been entrusted by the State with the care and custody of school children. Tenure Hearing of Sammons, 1972 S.L.D. 302, 321. The respondent has, however, by his conduct, violated that most sacred trust. He has engaged in a pattern of sexual misconduct which endangered minors and for which he has demonstrated a complete lack of remorse for his wrongdoing. Such comportment is so foreign to the expectations of the deeds and actions of a professional certificated teacher - or of any person - that it raises doubts as to the continued performance of that person in the classroom. Tenure of Blasco, OAL Dkt. EDU 3842-79 (July 15, 1980), mod. Comm'r of Ed. (August 28, 1980), mod. St. Bd. of Ed. (Feb. 4, 1981). The public must be assured that the respondent will no longer be given access to children as a teacher or in any capacity requiring licensure in this state.

Accordingly, the State Board of Examiners finds respondent's conviction conduct unbecoming a license holder. The appropriate penalty for his unbecoming conduct is the revocation of all of Respondent's teaching licenses. The State Board so decides notwithstanding Respondent's protestations that he only agreed to the forfeiture of one of his licenses. Authority over suspension or revocation of teaching licenses in New Jersey is vested solely in the State Board of Examiners. See, N.J.S.A. 18A:38-1, N.J.A.C. 6:11-3.6. That respondent agreed to voluntary revocation of one such certificate is not the final step in such a proceeding, nor is there provision in law for voluntary surrender. Information concerning the facts of such cases must be referred from the County Prosecutor's office for action as the State Board of Examiners deems appropriate. *Id.* See, *e.g.*, In the Matter of the License of Cynthia Johnson-Bradley, Dkt. No. 436-01/97-81, decided by the State Board of Examiners June 19, 1997.

It is, therefore, ORDERED that Chester K. Riley's Teacher of Health and Physical Education, Teacher of Driver Education and Supervisor licenses are hereby revoked on this 20th day of November, 1997.

It is further ORDERED that Chester K. Riley return his licenses to the Secretary of the State Board of Examiners, Office of Licensing, CN 503, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: February 10, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:KHK:br:Rileyrv